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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/775,036 | 02/09/2004 | Gideon Roberts | 1568.605 | 6911 |

44208 7590 04/05/2006

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| EXAMINER | |
|---|---|
| GELIN, JEAN ALLAND | |
| ART UNIT | PAPER NUMBER |
| 2617 | |

DATE MAILED: 04/05/2006

OIPE
IAP64
APR 17 2006
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/775,036 | ROBERTS, GIDEON | |
| | Examiner | Art Unit | |
| | Jean A. Gelin | 2617 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3-5,7 and 8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,7 and 8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/09/06 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Rick et al. (US 2005/0079870).

Regarding claims 1 and 5, Rick teaches a method for taking measurements in a mobile telecommunications system, the system comprising a network of a plurality of cells and at least one user equipment device (paragraphs 0008-0009), the method comprising, at the user equipment device (120) when the user equipment is not camped

in a cell and prior to cell selection (upon power on the mobile is not camped on a cell prior to scanning for selection, paragraph 008-009): scanning frequency bands to generate measurement data for signals received from cells of the network (i.e., scan to receive signal strength measurements to select RF channel from the list, paragraphs 0008-0009); when the signals received from cells of the network include more than one signal per frequency, generating measurement data for more than one signal per frequency (i.e., the list includes different RF channels, and select the best RF channel from the list, paragraph 0009); identifying from the generated measurement data the cell which best meets a cell selection criteria (i.e., the list includes different RF channels, and select the best RF channel from the list, paragraph 0009); determining whether the identified cell is suitable (paragraphs 0034-0059); when the identified cell is deemed unsuitable, identifying the cell with the next strongest signal at any frequency and determining whether the newly identified cell is suitable (paragraphs 0034-0059).

Regarding claims 4, 7, Rick teaches when the identified cell is deemed unsuitable (paragraphs 0009, 0034-0040), re-initiating the scanning step with the omission from the scan of the frequency band of the cell previously identified as the cell which best meets a cell selection criterion (paragraphs 0009, 0034-0040).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rick et al. (US 2005/0079870) in view of Vaara (US 6,400,951).

Regarding claim 3, Rick in view of Vaara teaches all the limitations above except determining whether the measurement data meets a predetermined criterion and storing the measurement data in an order relative to the meeting of the criterion.

However, the preceding limitation is known in the art of communications. Vaara teaches storing measurements of special cell list in priority order (col. 5, lines 25-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Vaara within the system of Rick in order that the mobile station is directed to the special service area and it is kept there whenever it is suitable from the radio technical point of view.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rick et al. (US 2005/0079870) in view of SO (US 2004/0137926).

Regarding claim 8, Rick teaches all the limitations above except a UMTS user equipment.

However, the preceding limitation is known in the art of communications. So teaches in a UMTS, a UE may search an appropriate cell when the user turns on the power, read frequency stored an internal memory to search appropriate cell (paragraphs 34-39). Therefore, it would have been obvious to one of ordinary skill in the

art, at the time of the invention, to implement the UE device taught by So within the system of Rick in order to improve cell search operation and reduce a registration time.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3-5, 7, and 8 have been considered but are moot in view of the new ground(s) of rejection.

The reply filed on 3/9/06 is not fully responsive to the prior Office Action because: the Applicant did not make any comment regarding the double patent rejection. Therefore, the double patenting rejection is maintained.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

JGelin
April 3, 2006

| Notice of References Cited | Application/Control No. 10/775,036 | Applicant(s)/Patent Under Reexamination ROBERTS, GIDEON | |
|---|---|---|---|
| | Examiner Jean A. Gelin | Art Unit 2617 | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|---|---|---|---|
| * | A | US-2005/0079870 | 04-2005 | Rick et al. | 455/437 |
| * | B | US-6,400,951 | 06-2002 | Vaara, Tomi | 455/436 |
| | C | US- | | | |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
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| | M | US- | | | |

**FOREIGN PATENT DOCUMENTS**

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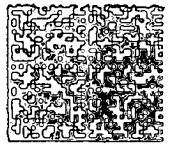
**NON-PATENT DOCUMENTS**

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
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| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

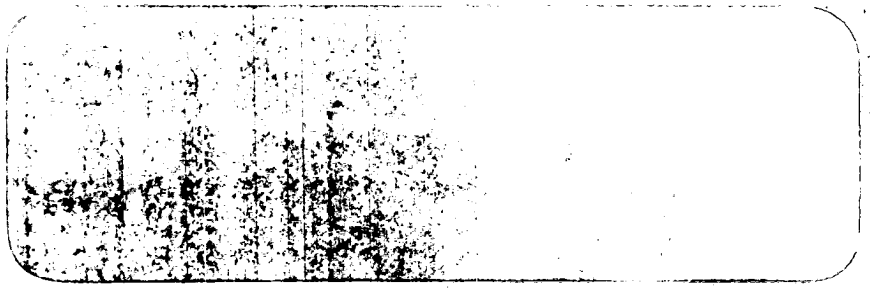
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